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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/991,280  | 11/15/2001  | Masayuki Toyokawa    | 2933PE-2            | 3701             |
| 22442   | 7590        | 10/16/2003           | EXAMINER            |                  |
| SHERIDAN ROSS PC<br>1560 BROADWAY<br>SUITE 1200<br>DENVER, CO 80202 |             |                      | RIVELL, JOHN A      |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3753                |                  |

DATE MAILED: 10/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



**Office Action Summary**

Application No.

09/991,280

Applicant(s)

TOYOKAWA ET AL.

Examiner

John Rivell

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/4/03 (amendment).
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-12 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-12 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



Applicant's arguments filed August 4, 2003 have been fully considered but they are not persuasive.

Claims 2-3 and 13-14 have been canceled. Thus claims 1, 4-12 and 15 remain pending.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 15 are rejected under 35 U.S.C. §102 (b) as being anticipated by Roos (cited by applicant).

The patent to Roos clearly discloses "a coupling structure for a flow control valve (20)... comprising: a fitting portion (18) having a male thread (surface 24, groove 26)... a coupled member (pipe or main 16) having a coupling hole (14) to receive the flow control valve (20); and a cylindrical elastic sealing member (12) engages with the coupling hole to seal the space between the flow control valve and the coupling hole, wherein the elastic sealing member has an inner surface defining a mounting hole in which the fitting portion is fitted, a female thread (coil element 32) formed on the inner surface, the female thread being mated with the male thread of the fitting portion, and a pressing portion (read the lower internal section of the gasket 12 which, after insertion of male threaded member 18, forms bead 46 to complete mounting of the male member 18 to the hole 14 or both the above portion of the gasket and the segments 38, 40, 42) formed on the inner surface defining the mounting hole (e.g. the inner surface of the



gasket 18 itself and/or the segments 38, 40, 42 are "formed" on the inner surface of the gasket), and wherein the pressing portion is pressed by the fitting portion to radially expand the elastic sealing member when the fitting portion is fitted inside the mounting hole" as claimed thus forming bead 46 to complete installation of the valve 10 to the hole 14 of the wall member 16.

Regarding claim 15, the patent to Roos clearly discloses "a cylindrical elastic member (12) formed from a rubber material, wherein the elastic sealing member receives a fitting body (18), the elastic sealing member comprising: a mounting hole (defined within interior surface 30) for receiving the fitting body (18); and a pressed portion (read as the lower internal section of the gasket 12 which, after insertion of male threaded member 18, forms bead 46 to complete mounting of the male member 18 to the hole 14 or both the above section of the gasket and the combined segments 38, 40, 42) formed on the inner surface defining the mounting hole and pressed by the fitting body (18), wherein the pressed portion (i.e. segments 38, 40, 42 and the inner surface of the gasket) radially expands the elastic sealing member when pressed by the fitting body" as claimed and as set forth in column 3, line 54 through column 4, line 5 of Roos.

Regarding applicants remarks concerning the above, the argument that "Roos does not disclose this pressed portion that is directly formed on the inner surface of the sealing member and pressed by the fitting portion to radially expand the sealing member" is believed not well taken.

The "pressed portion", as noted above, is read as either the gasket 12 at the lower location where the bead 46 is eventually formed or the above noted section of the



gasket and the combined elements including the segments 38, 40, 42. Clearly, when read as the inner surface of the gasket alone, this "portion" will be "pressed" by the insertion of the fitting member. At this location, as the "fitting member" 18 is threaded into the "mounting hole" within the gasket 12, the fitting member "presses" the gasket outwardly to form the bead 46. Although this interpretation includes the segments 38, 40, 42 by function, there is no claim language excluding any intermediate element between the "fitting member" and the "pressing portion".

Alternatively, by reading the segments as part of the "pressed portion" the same functionality occurs. Again there is no claim language which excludes any intermediate element.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. in view of Bennett.

The patent to Davis et al. discloses, in figure 3, "a flow control valve (generally at 12, fig. 1) received in a predetermined coupling hole (16), the valve comprising; a fitting



portion (18) engaged with the coupling hole and having a peripheral surface, wherein a male thread (28) is formed on the peripheral surface; and a main body (read above threaded section 28) connected to the fitting portion and formed from synthetic resin, wherein the main body has a (inherent) rotating portion for rotating the fitting portion when engaging the flow control valve with the coupling hole" as claimed in claim 11.

The patent to Davis et al. thus discloses all the claimed features with the exception of having "a hose connector connected to the rotating portion to connect a tubing hose... to position the tubing hose when connecting the tubing hose to the hose connector".

The patent to Bennett discloses that it is known in the art to employ a "hose connector" at outlet 20, from a crankcase ventilating valve, wherein the hose connector at outlet 20 receives a "tubing hose" for the purpose of conducting ventilated crankcase gasses away from the ventilation valve location.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Davis et al. a hose connector connected to the outlet of the crankcase ventilation valve receiving a tubing hose for the purpose of conducting ventilated crankcase gasses away from the ventilation valve location as recognized by Bennett.

Regarding claim 12, the device of Davis et al. is "a blowby gas returning apparatus flow control valve incorporated in an internal combustion engine" as claimed.

Claims 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roos in view of Neuschotz.

The patent to Roos discloses all the claimed features with the exception of having "rotation restricting structure".



This feature called for by the claims is directed to a feature peculiar to couplings in general which couple to pipe sections together by threads, including an intermediate grommet therebetween accepting one of the coupled items. Such a coupling detail is not exclusive to the coupling of a valve element to a fluid conducting bore/hole but can be found in any coupling system in which two pipe sections are coupled together using an intermediate grommet to seal the coupling.

The patent to Neuschotz discloses that it is known in the art to employ a "rotation restricting structure" at 34, attached to an intermediate "grommet" 12 used to couple two pipe sections 13', 10 to each other and conducting fluid pressure therethrough, which structure forms corresponding "structure" in the "coupling hole" (as shown at 34 of fig. 3) for the purpose of threadedly coupling two pipe sections fluid tightly together wherein the "grommet" is held from rotating with the threaded attached pipe when being assembled thus precluding potential damage to the "grommet" 12 should the "grommet" otherwise rotate during assembly.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Roos "rotation restricting structure" including a stop surface extending from the grommet mating with a stop surface formed in the coupling hole for the purpose of threadedly coupling two pipe sections fluid tightly together wherein the "grommet" 12 of Roos is held from rotating with the threaded attached pipe 18 when being assembled thus precluding potential damage to the "grommet" 12 should the "grommet" otherwise rotate during assembly as recognized by Davis et al.

Regarding claim 5, the mating surfaces of Roos are read as the downward facing underside of the flange 28 of the "grommet" 12 and the upward facing surface surrounding the "coupling hole" 14.



Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roos in view of Neuschotz as applied to claims 2, 4 and 5 above, further in view of Davis et al.

The patent to Roos, as modified by Neuschotz, discloses all the claimed features with the exception of having a synthetic resin body and utility as a positive crankcase ventilation valve.

The patent to Davis et al. discloses that it is known in the art to employ an all plastic/synthetic resin positive crankcase ventilation valve device 18 for the purpose of ventilating internal combustion engine crankcase gasses with a valve of synthetic material which accommodates the corrosive atmosphere prevalent in crankcase gasses.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ the device of Roos, as modified by Neuschotz, as an all plastic positive crankcase ventilation valve for the purpose of ventilating an internal combustion engine crankcase of the corrosive gas atmosphere prevalent in an internal engine crankcase as recognized by Davis et al. regarding claims 6 and 9, Roos includes a "rotation portion" read as the hexagonal fitting opposite the grommet end, which fitting would normally be connected to a flow conduit.

Regarding applicants remarks concerning Davis et al., it is believed that the reference to Bennett reasonable teaches or suggests to one of ordinary skill in the art the use of a "hose connector" and "tubing hose" both attached to the crankcase



ventilation valve for the purpose of conducting vented crankcase gasses away from the location of the crankcase ventilation valve.

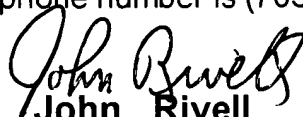
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (703) 308-2599. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (703) 308-1272. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

  
**John Rivell**  
**Primary Examiner**  
**Art Unit 3753**

j.r.